

SENATE No. 936

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to training for law enforcement in dealing with individuals suffering from mental illness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Ruth B. Balser	12th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Patricia D. Jehlen	Second Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Elizabeth A. Malia	11th Suffolk
Cleon H. Turner	1st Barnstable
Kay Khan	11th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01378 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO TRAINING FOR LAW ENFORCEMENT IN DEALING WITH INDIVIDUALS SUFFERING FROM MENTAL ILLNESS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
2 116C the following section:--

3 Section 116D. (a) The municipal police training committee shall establish within the
4 recruit basic training curriculum a course for regional and municipal police training schools on or
5 before January first, two-thousand and seven for the training of law enforcement officers in the
6 commonwealth in the handling of complaints involving mental health emergencies and victims,
7 witnesses or suspects with mental illness or mental retardation and also shall develop guidelines
8 for law enforcement responses to incidents involving such persons. The course of instruction
9 and the guidelines shall emphasize:

10 (1) The enforcement of criminal laws for the benefit of victims and witnesses with mental illness
11 or mental retardation, the availability of civil remedies and community resources for persons

12 experiencing mental health emergencies, and the protection of persons with mental illness or
13 mental retardation and for law enforcement officers engaging such persons;

14 (2) The laws regarding the defenses of responsibility and competency to stand trial, and the
15 diversion of persons with mental illness or mental retardation for treatment instead of criminal
16 prosecution;

17 (3) The provision of information to law enforcement officers about individuals suffering from
18 mental illness or mental retardation, including common behaviors and actions exhibited by such
19 individuals; strategies law enforcement officers can use for reducing or preventing the risk of
20 harm arising from persons experiencing mental health emergencies, or from victims, witnesses or
21 suspects with mental illness or mental retardation with the aim of seeking the least intrusive,
22 restrictive and violent means of addressing such incidences and individuals while protecting the
23 safety of the law enforcement officer and other persons present at the complaint scene.

24 Training presenters shall include certified mental health practitioners with expertise in the
25 delivery of direct services to individuals experiencing mental health emergencies and victims,
26 witnesses and suspects with mental illness and mental retardation and consumer-survivors i.e.
27 individuals with mental illness and mental retardation. Training presentations may utilize the
28 staff of community-based mental health or retardation treatment facilities.

29 As used in this section, “law enforcement officer” shall mean any officer of a municipal police
30 department, the department of the state police or the Massachusetts Bay Transportation
31 Authority police department. “Consumer-survivor” shall mean any individual suffering from
32 mental health disability or mental retardation.

33 (b) All law enforcement recruits shall receive the course of basic training for law enforcement
34 officers, established in paragraph (a) of this section, as part of their required certification process.

35 (c) The course of instruction, the learning and performance objectives, the standards for training,
36 and the guidelines shall be developed by the municipal police training committee in consultation
37 with groups and individuals having an interest and expertise in the field of mental health and
38 community-based treatment.

39 (d) The municipal police training committee periodically shall include within its in-service
40 training curriculum a course of instruction on handling complaints from or against persons with
41 mental illness and mental retardation, consistent with the provisions of sub-paragraphs one
42 through three of paragraph (a) of this act.